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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,076	05/19/2000	David B. Kinder	INTL-0367-US(P8586)	1607
21906	7590	11/18/2004	EXAMINER	
TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			VU, NGOC K	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/575,076

Applicant(s)

KINDER ET AL.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-11 and 14-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-11, 14-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 is indefinite because there is no antecedent basis for the limitation "said uniform resource locator" in line 7.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-11, 14-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidary (US 5,774,664 A) in view of Parasnis et al. (U.S. 6,728,753 B1).

Regarding claim 1, Hidary discloses a method comprising sending scheduling information, e.g., link file, from member broadcasters via user interface to server 90 for pre-scheduling URLs for transmission to users 118 at particular times of day before broadcasting

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video information (see col. 5, line 50 to col. 6, line 14; col. 6, lines 32-41); and transmitting the video information in the form of television programming (e.g., television show – see col. 6, lines 3-12 and figure 4).

Hidary does not explicitly disclose sending scheduling information to the web site hosting facility sufficiently before distributing video information containing URL to enable the facility to prepare for an increase access load.

However, Parasani teaches scheduling broadcast with using a netshow server to enable unlimited number of users viewing the broadcast, or using a third-party netshow provider if the broadcaster desires to distribute the broadcast over the Internet and doesn't have the bandwidth or servers available to handle the expected load. Parasani further teaches sending the scheduling information to the server prior broadcasting a web page contained a URL and video content to a plurality users (see abstract; col. 14-15, lines 66-27; col. 20, lines 34-54; col. 21, lines 28-30; col. 14, lines 43-47; col. 16, lines 6-29; col. 18, lines 27-30; col. 17, lines 60-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Hidary by sending scheduling information to a third-party netshow provider sufficiently before distributing video information containing URL as taught by Parasani in order to enable the provider to effectively handle access load.

Regarding claim 3, Hidary discloses sending scheduling information, e.g., link file, with video. It is noted that the records in the link file specify the time, URL, label, and some additional information, for each web page the broadcaster desires to launch during a show (see abstract; col. 6, lines 14-25).

Regarding claim 4, Hidary discloses transmitting the video with embedded URLs over a transport, e.g., satellite, cable, television broadcast, or Internet; and transmitting scheduling information over Internet (see col. 5, lines 1-5; col. 5, line 55 to col. 6, line 12).

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Regarding claim 5, Hidary discloses pre-scheduling URLs for transmitting to the user at a different time than the video transmitting (see col. 5, lines 58-65; col. 6, lines 26-31).

Regarding claims 6 and 7, Hidary discloses transmitting scheduling information over Internet transport and transmitting video over broadcast transport (see col. 5, lines 1-6 and 58-62).

Regarding claim 8, Hidary discloses that the uniform resource locators are encoded into the video for transmitting (see col. 4, line 40 to col. 5, line 5 and lines 34-37).

Regarding claim 9, Hidary discloses automatically transmitting the scheduling information to web site hosting facility (90) after pre-scheduling URLs by broadcaster (see col. 5, lines 55-62).

Regarding claim 10, Hidary discloses transmitting scheduling information to the web site hosting facility (90) via database (78), or directly from Internet web site (62) (see figure 4; col. 5, lines 50-65; col. 6, lines 26-41).

Regarding claim 11, Hidary discloses an article comprising a medium storing instructions (software) that cause a processor-based system (e.g., computer) to send scheduling information, e.g., link file, from member broadcasters via user interface to server 90 for pre-scheduling URLs for transmission to users 118 at particular times of day before broadcasting video information (see col. 5, line 50 to col. 6, line 14; col. 6, lines 32-41); and transmit the video information in the form of television programming (e.g., television show – see col. 6, lines 3-12 and figure 4).

Hidary does not explicitly disclose sending scheduling information to the web site hosting facility sufficiently before distributing video information containing URL to enable the facility to prepare for an increase access load.

However, Parasani teaches scheduling broadcast with using a netshow server to enable unlimited number of users viewing the broadcast, or using a third-party netshow provider if the broadcaster desires to distribute the broadcast over the Internet and doesn't have the bandwidth or servers available to handle the expected load. Parasani further teaches sending the scheduling information to the server prior broadcasting a web page contained a URL and video content to a plurality users (see abstract; col. 14-15, lines 66-27; col. 20, lines 34-54; col. 21, lines 28-30; col. 14, lines 43-47; col. 16, lines 6-29; col. 18, lines 27-30; col. 17, lines 60-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Hidary by sending scheduling information to a third-party netshow provider sufficiently before distributing video information containing URL as taught by Parasani in order to enable the provider to effectively handle access load.

Regarding claim 14, Hidary discloses transmitting the video with embedded URLs over a transport, e.g., satellite, cable, television broadcast, or Internet; and transmitting scheduling information over Internet (see col. 5, lines 1-5; col. 5, line 55 to col. 6, line 12).

Regarding claim 15, Hidary discloses pre-scheduling URLs for transmitting to the user at a different time than the video transmitting (see col. 5, lines 58-65; col. 6, lines 26-31).

Regarding claims 16 and 17, Hidary discloses transmitting scheduling information over Internet transport and transmitting video over broadcast transport (see col. 5, lines 1-6 and 58-62).

Regarding claim 18, Hidary discloses that the uniform resource locators are encoded into the video for transmitting (see col. 4, line 40 to col. 5, line 5 and lines 34-37).

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Regarding claim **19**, Hidary discloses automatically transmitting the scheduling information to web site hosting facility (90) after pre-scheduling URLs by broadcaster (see col. 5, lines 55-62).

Regarding claim **20**, Hidary discloses transmitting scheduling information to the web site hosting facility (90) via database (78), or directly from Internet web site (62) (see figure 4; col. 5, lines 50-65; col. 6, lines 26-41).

Regarding claim **21**, Hidary discloses a system (see figure 4) comprising: a video distribution device (66, 110); a transport (86) coupled to the video distribution device that distributes video to a plurality of receivers (114 and 16); and storage (computer 70) coupled to the device (110), the storage storing instructions (software) that enable the device to send scheduling information, e.g., link file, from member broadcasters via user interface to server 90 for pre-scheduling URLs for transmission to users 118 at particular times of day before broadcasting video information (see col. 5, line 50 to col. 6, line 14; col. 6, lines 32-41); and transmit the video information in the form of television programming (e.g., television show – see col. 6, lines 3-12 and figure 4).

Hidary does not explicitly disclose sending scheduling information to the web site hosting facility sufficiently before distributing video information containing URL to enable the facility to prepare for an increase access load.

However, Parasani teaches scheduling broadcast with using a netshow server to enable unlimited number of users viewing the broadcast, or using a third-party netshow provider if the broadcaster desires to distribute the broadcast over the Internet and doesn't have the bandwidth or servers available to handle the expected load. Parasani further teaches sending the scheduling information to the server prior broadcasting a web page contained a URL and

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video content to a plurality users (see abstract; col. 14-15, lines 66-27; col. 20, lines 34-54; col. 21, lines 28-30; col. 14, lines 43-47; col. 16, lines 6-29; col. 18, lines 27-30; col. 17, lines 60-65).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Hidary by sending scheduling information to a third-party netshow provider sufficiently before distributing video information containing URL as taught by Parasanis in order to enable the provider to effectively handle access load.

Regarding **claim 22**, Hidary teaches that the distribution device (66, 110) coupled to the web hosting facility (90) through the Internet (20, 62) and instructions (software) stores in the storage (70) cause the device to automatically notify the web site hosting facility (90) over the Internet before distributing a URL and video to the users (see Hidary: see figure 4; col. 5, lines 50-65; col. 6, lines 26-41). Furthermore, Parasanis teaches notifying the third-party provider over the Internet prior a web page including video and a URL is distributed to the viewers (Parasanis: col. 16, lines 6-28; col. 16-17, lines 63-2; col. 17, lines 10-17; col. 17-18, lines 49-3; col. 27-30; col. 20, lines 23-49, figure 8).

Regarding **claim 23**, Hidary discloses two transports (e.g., Internet 20 and broadcast 86) coupled between the video distribution device (66, 110) and the web site hosting facility (90) (see figure 4).

Regarding **claim 24**, Hidary teaches that the instructions (software) stores in the storage (70) cause the video distribution device (66, 110) to automatically notify the web hosting facility (90) via database (78), or directly from Internet web site (62) when a URL will be transmitted with the video distributed to the receivers (118) (see figure 4; col. 5, lines 50-65; col. 6, lines 26-41).

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Regarding claim **25**, Hidary discloses video distribution device broadcasts video for distribution to the plurality of receives (see col. 5, lines 1-5).

Regarding claim **26**, Hidary discloses that the uniform resource locators are encoded into the video for transmitting (see col. 4, line 40 to col. 5, line 5 and lines 34-37).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Examiner
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November 2, 2004